



9/14 election
of species
3.4
Docket No.: M4065.0608/P608
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John T. Moore et al.

Confirmation No. 9535

Application No.: 09/988,984

Group Art Unit: 2823

Filed: November 19, 2001

Examiner: T. Pham

For: ELECTRODE STRUCTURE FOR USE IN
AN INTEGRATED CIRCUIT

**RESPONSE TO ELECTION OF SPECIES AND
RESTRICTION REQUIREMENT**

Commissioner for Patents
Washington, DC 20231

Dear Sir:

RECEIVED
FEB 25 2003
TECHNOLOGY CENTER 2800

In response to the restriction requirement and the election of species requirement set forth in the Office Action dated January 24, 2003, Applicants hereby elect Group I (claims 1-18, 40-43, and 95-98), drawn to an electrode structure for use in an integrated circuit, for continued examination. Further, Applicants hereby provisionally elect species 2 (FIG. 1B), claims 1-17 and 40-43 being readable thereon, drawn to an electrode structure for use in an integrated circuit, for continued examination, with traverse.

The Examiner has required election between species 1, claims 95-98, drawn to an electrode structure; species 2 (FIG. 1B), claims 1-17 and 40-43, drawn to an electrode structure; and species 3 (FIG. 3B), claim 18, drawn to an electrode structure. Furthermore, examiner states that no claim is generic.

Applicants respectfully submit that at least claim 95 is generic, as all members of the three species defined by the examiner are covered by claim 95. Furthermore, MPEP § 806 provides that upon allowance of a generic claim, "all of the claims drawn to species in addition to the elected species which include all the limitations of the generic claim will ordinarily be obviously allowable in view of the generic claim."

For at least the reasons set forth above, Applicants respectfully request reconsideration of the election requirement and that all claims of Group I be examined..

Dated: February 24, 2003

Respectfully submitted,

By 

Thomas J. D'Amico
Registration No. 28,371
DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP
2101 L Street NW
Washington, DC 20037-1526